

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

Transcript Designation and Ordering Form

U.S. Court of Appeals Case No. 07-15334 U.S. District Court Case No. Civ. No. 04-00502 DAE BMK

Short Case Title 'Ilio'ulaokalani Coalition v. Gates

Date Notice of Appeal Filed by Clerk of District Court February 27, 2007

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

SECTION A - To be completed by party ordering transcript

HEARING DATE(s)	COURT REPORTER	PROCEEDINGS (strike portion not desired)
		Voir Dire at <u>12</u> o'clock and <u>05</u> min. <u>P</u> <u>M</u>
		Opening Statements
		Settlement Instructions
		Closing Arguments
		Jury Instructions
		Pre-Trial Proceedings
		Other (please specify)

SEE ATTACHED  
(additional page for designations if necessary)

- ( ) I do not intend to designate any portion of the transcript and will notify all counsel of this intention.
- ( ) As retained counsel (or litigant proceeding in pro per). I request a copy of the transcript and guarantee payment to the reporter of the cost thereof upon demand. I further agree to pay for work done prior to cancellation of this order.
- ( ) As appointed counsel I certify that an appropriate order authorizing preparation of the transcript at the expense of the United States has been, or within 5 days hereof will be, obtained and delivered to the reporter. I agree to recommend payment for work done prior to cancellation of this order.

Date transcript ordered March 29, 2007 Estimated date for completion of transcript \_\_\_\_\_

Print Name of Attorney David L. Henkin Phone Number (808) 599-2436

Signature of Attorney [Signature]

Address Earthjustice, 223 South King St., Suite 400, Honolulu, HI 96813

SECTION B - To be completed by court reporter

I, \_\_\_\_\_ have received this designation.  
(signature of court reporter)

- ( ) Arrangements for payment were made on \_\_\_\_\_
- ( ) Arrangements for payment have not been made pursuant to FRAP 10(b).

\_\_\_\_\_ Approximate Number of Pages in Transcript--Due Date \_\_\_\_\_

SECTION C - To be completed by court reporter

When the transcript is filed, complete this section and submit to the U.S. district court with the completed transcript. The district court will not file the transcript without this completed form.

Date transcript filed \_\_\_\_\_ Court Reporter's Signature \_\_\_\_\_

SECTION D - To be completed by the Clerk

U.S. DISTRICT COURT CLERK: I certify that the record is available in the office of the U.S. District Court.

Sue Beitia BY: \_\_\_\_\_  
(U.S. District Court Clerk) (date) DEPUTY CLERK

**ATTACHMENT TO TRANSCRIPT DESIGNATION FORM**

U.S. Court of Appeals Case No. 07-15334  
U.S. District Court Civ. No. 04-00502 DAE BMK

**SECTION A**

<u>Hearing Date</u>	<u>Court Reporter</u>	<u>Proceedings</u>
11/6/06	Cynthia Fazio	Status Conference (transcript completed and filed 11/7/06)
11/16/06	ESR	Hearing on Plaintiffs' Motion to File Second Amended Complaint and to Join Necessary Parties (transcript ordered 3/29/07)
11/20/06	Cynthia Fazio	Status Conference (transcript completed and filed 3/21/07)
12/18/06	Cynthia Fazio	Hearing on Scope of Interim Injunctive Relief (transcript completed and filed 1/5/07)

Please note that Defendants-Appellees did not respond to Plaintiffs-Appellants' Initial Notice Re: Transcript Designation (served March 8, 2007) within the time prescribed by Circuit Rule 10-3.1(b).

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on March 29, 2007, a true and correct copy of the foregoing document was duly served on the following as indicated:

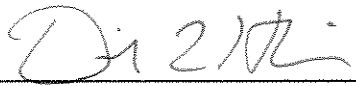
**Hand Delivery:**

HARRY YEE  
Assistant United States Attorney  
Room 6-100  
300 Ala Moana Boulevard  
Honolulu, Hawai'i 96850  
Attorney for Federal Defendants

**First-class United States mail, postage prepaid:**

BARRY A. WEINER  
JAMES D. GETTE  
United States Department of Justice  
General Litigation Section  
Environment and Natural Resources Division  
P.O. Box 663  
Washington, D.C. 20044-0663  
Attorney for Federal Defendants

DATED: Honolulu, Hawai'i, March 29, 2007.

  
\_\_\_\_\_  
DAVID L. HENKIN  
ISAAC H. MORIWAKE  
Attorneys for Plaintiffs